

REMARKS

Claims 1-12 are pending in the application.

Claims 1 and 4-10 stand rejected.

Claims 2, 3, 11, and 12 stand objected to.

Claim 1 has been amended.

Claims 13-16 have been added.

Amendments to Drawings

The Specification has been amended at page 7, line 6 to include the reference numeral 140. Fig. 5 has been amended to conform the numbering of its elements with that used in the specification.

Formal Matters

Claim 1 is objected to because of the following informalities: On line 2, "concentrated signals" should be --concatenated signals--. Claim 1 has been amended to recite "concatenated signals", which is respectfully believed to address this objection.

Allowable Subject Matter

Claims 2-3 and 11-12 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 2-3 and 11-12 have been rewritten in independent form to include all of the limitations of the base claims and all intervening claims, and appear as claims 13-16. Claims 13-16 are therefore believed to be allowable.

Rejection of Claims under 35 U.S.C. §103

Claims 1, 4-6 and 7-10 stand rejected under 35 U.S.C. §103(a) as being anticipated by Baydar et al., U.S. Patent No. 5,717, 693 (Baydar) in view of Derbenwick et al., U.S. Patent No. 6,262,975 (Derbenwick). Applicants respectfully traverse this rejection.

As an initial matter, Applicant does not concede that the references are prior art, and so respectfully notes that amendments and arguments made herein are without prejudice to Applicant's right to establish, for example in this or a continuing application, that the reference is not prior art to an invention now or hereafter claimed.

Applicants further respectfully assert that the rejection provides insufficient information to effectively indicate what portion of Baydar makes obvious the claimed invention (e.g., "Col. 3, lines 29 plus and Col. 6, lines 20 plus"). In fact, Applicants have carefully studied Baydar and cannot find reference to elements and associated structures existing therein that the Office Action purports to be comparable to the claimed elements and associated structures. Applicants respectfully request that the Examiner more specifically point out the portion or portions of Young upon which the Examiner believes these elements read. *See*, MPEP §§706, 707; 37 C.F.R. 1.106(b). However, Applicants will respond to the cited reference in what Applicants believe to be as meaningful a manner as possible.

Applicants respectfully assert that elements of claims 1, 4 and 7 are not shown, taught or suggested by Baydar and Derbenwick, taken alone or in permissible combination, and/or with skill in the art, at the time of invention. One infirmity of the rejection is that the Office Action equates Baydar's MUX 4nq (a multiplexer) with the

claimed demultiplexer. In fact, nowhere in Baydar is there shown a demultiplexer, with the exception of demultiplexer 463d, which is simply a mechanism for incrementing counters ("Each of the 28 counters 463a is incremented in its VT time slot by a hard-wired pulse on a line 463c from a demultiplexer 463d which is responsive to the VT# (TRADR) signal on the line 2i and to an enable (EN) signal on a line 463e", col. 19, line 65, through col. 20, line 2). Baydar therefore fails to show, teach or suggest a demultiplexer having a plurality of outputs, each coupled to an input of a respective pointer processor (claim 1), demultiplexing an information payload that comprises a plurality of concatenated signals into a plurality of concatenated processors (claim 4), or a pointer processor having an input terminal for coupling to an output of a demultiplexer (claim 7).

Moreover, this infirmity is not cured by the addition of Derbenwick. The claimed demultiplexer is also not shown, taught or suggested by Derbenwick, which is instead concerned with a method of auditing cross-connections related to concatenated signals in a synchronous optical network. (Title) Derbenwick discusses a facility for use in a communications network node to monitor the way in which particular signals are transported over the network and block those signals which are not being transported correctly. (Abstract) This offers no teaching (or even suggestion) that a concatenated signal should be demultiplexed for the purpose of pointer processing. Thus, Baydar and Derbenwick, taken alone or in permissible combination, and/or with skill in the art, at the time of invention, do not show, teach or suggest the claimed demultiplexer nor the claimed demultiplexing.

It should be noted, in fact, that the Office Action misstates the claimed elements in this regard. For example, claim 1 recites, in pertinent part:

“... ”

a plurality of pointer processors, each having an input coupled to a respective output of the demultiplexer and having an output coupled to a respective input of the multiplexer, wherein each of the pointer processors comprises:  
...” (emphasis supplied)

The Office Action, however, incorrectly recites “... each having an input coupled to a respective input of the multiplexer ....” This does not detract from the fact that such a demultiplexer is not shown, taught or suggested by Baydar and/or Derbenwick, but further points out that the couplings in the references fail to make obvious the claimed invention.

The Office Action correctly points out, however, that Baydar does not disclose:

“... ”

(b) circuitry coupled to the processor input, processor output and bidirectional terminal, the circuitry for:

(i) causing a logic level to be asserted at the common node in response to an error signal at the processor input, and

(ii) causing an alarm signal to appear at the processor output in response to the application of a logic level signal at the processor bidirectional terminal.” (emphasis supplied)

The Office Action states that the above limitations are taught by Derbenwick, however. Applicants respectfully disagree.

As noted, Derbenwick is concerned with a method of auditing cross-connections related to concatenated signals in a synchronous optical network. (Title) Derbenwick discusses a facility for use in a communications network node to monitor the way in which particular signals are transported over the network and block those signals which are not being transported correctly. (Abstract) The addition of this disclosure to Baydar does not result in the combination showing, teaching or suggesting the claimed invention.

As an initial matter, Applicants respectfully assert that the rejection provides insufficient information to effectively indicate what portion of Derbenwick makes obvious the claimed invention. In fact, Applicants have carefully studied Derbenwick and cannot find reference to elements and associated structures existing therein that the Office Action purports to be comparable to the claimed elements and associated structures. Applicants fail to understand how a process that detects different trigger states associated with the processing of a particular incoming signal, and which is responsive to detecting the presence of one of the trigger states and responsive to a determination that the incoming signal is of a particular type, then the process determines if a pattern of outputs paths specified for the incoming signal meet a predetermined criterion and inserts an alarm signal in the specified output paths in place of the incoming signal if the predetermined criterion is not met (which is simply a recitation of Derbenwick's Summary), makes obvious the recited limitations of claim 1 above (and in particular, the

emphasized portions thereof), for example. (Fig. 5; col. 1, lines 65 plus; and col. 4, lines 48 plus)

Applicants therefore respectfully request that the Examiner more specifically point out the portion or portions of Young upon which the Examiner believes these elements read. *See*, MPEP §§706, 707; 37 C.F.R. 1.106(b). However, Applicants have responded to the cited reference in what Applicants believe to be as meaningful a manner as possible.

In any case, one of skill in the art would not look to Derbenwick's method of auditing cross-connections related to concatenated signals in a synchronous optical network to provide AIS handling because Baydar already supports AIS handling. (Baydar, col. 12, lines 14-52, col. 20, lines 23-46) Thus, the addition of Derbenwick's disclosure to Baydar would not add significant functionality to Baydar.

Furthermore, for at least the reasons that the addition of Derbenwick to Baydar provides no particularly useful advantage, and neither Derbenwick nor Baydar recognize the need for the facilities provided by the other, one of skill in the art, at the time of invention, would have found no motivation to combine their disclosures. The Office Action simply states that it would have been obvious to one of skill in the art at the time of invention to apply Derbenwick's teachings to those of Baydar because the result would be the claimed invention (a statement with which Applicants continue to respectfully disagree). That the combination would teach the claimed invention (which Applicants again respectfully maintain is in no way the case), simply stating that a combination would make obvious a claimed invention is insufficient to provide motivation to combine the disclosures. Motivation to combine the disclosures must not come from the claimed

invention or its disclosure. Otherwise, doing so necessarily involves impermissible hindsight, which Applicants respectfully submit is the case in the Office Action. (*See, W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Therefore, no motivation exists to combine the disclosures of Baydar and Derbenwick.

For at least the foregoing reasons, Applicants respectfully submit that Baydar and Derbenwick, taken alone or in permissible combination, and/or with skill in the art, at the time of invention, do not show, teach or suggest the claimed invention, and cannot be permissibly combined to do so.

Applicants therefore respectfully submit that the claimed invention, as claimed in independent claims 1, 4 and 7, is not made obvious by Baydar and Derbenwick, taken alone or in permissible combination, and/or with skill in the art, at the time of invention. Applicants further respectfully submit that claims 5-6 and 8-10, which depend from independent claims 1, 4 and 7, are also not anticipated or made obvious by Baydar and Derbenwick for at least the foregoing reasons. Claims 2-3 and 11-12 have been rewritten as claims 13-16, respectively, as noted earlier. Applicants therefore also believe claims 13-16 to be allowable. Applicants therefore respectfully submit that claims 1-16 are in condition for allowance.

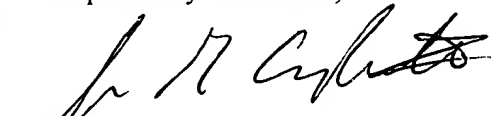
CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **December 9, 2003**.

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Attorney for Applicants Date of Signature

Respectfully submitted,

  
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